

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKTHE PEOPLE OF THE STATE OF NEW
YORK by Letitia James,

Plaintiff,

-against-

PUFF BAR, et al.,

Defendants.

THE CITY OF NEW YORK,

Plaintiff,

-against-

PUFF BAR, et al.,

Defendants.

USDC SDNY
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25-CV-01445 (MMG)
25-CV-02850 (MMG)**SCHEUDLING ORDER**

MARGARET M. GARNETT, United States District Judge:

The Court held a joint conference in the above-captioned matters on April 30, 2025, to discuss issues related to coordination or consolidation of the two cases. Having considered the written and oral statements of all parties as to coordination, consolidation, and scheduling, the Court has determined that the interests of justice and efficiency would best be served by the following schedule for initial matters in *People of New York v. Puff Bar, et al.*, Case No. 25-cv-01445 (the “State Action”) and *City of New York v. Puff Bar et al.*, Case No. 25-cv-02850 (the “City Action”).

In the State Action, Defendants shall answer or otherwise respond to the complaint by **May 23, 2025**. The deadline to oppose the pending motion to sever (*see* Dkt. No. 62) is **June 13, 2025**. Should Defendants move to dismiss the complaint, the deadline for any opposition brief is likewise **June 13, 2025**. Counsel for the State may file a consolidated brief in opposition to both severance and dismissal if they choose, and, if necessary, counsel may request an enlargement of the normal word limits for such briefs. Any replies are due **June 27, 2025**.

In lieu of responding to any motion to dismiss and the pending motion to sever, Plaintiff may, pursuant to Rule II(B)(6) of this Court’s Individual Rules & Practices, file an amended complaint within 14 days of the motion(s) to dismiss (*i.e.* by **June 6, 2025**). In that event, Defendants must within 14 days after service of the amended complaint (1) answer; (2) file a new or supplemental motion to dismiss; or (3) submit a letter on ECF stating that they rely on the previously filed motion(s) to dismiss. Defendants shall also at that time either withdraw, renew, or supplement their motion to sever. Plaintiff shall then file any opposition to any motion to

dismiss and motion to sever within 14 days of such filings, and any replies shall be filed within 7 further days after Plaintiff's filing.

In the City Action, the deadline to answer or otherwise respond to the complaint remains **June 23, 2025**. Any motion to sever must also be filed by **June 23, 2025**. Defendants may file consolidated briefs if they wish. Absent further direction from the Court, the ordinary deadlines provided by Local Rule 6.1 shall apply to the briefing on any motion, including any potential motion to sever. Rule II(B)(6) of this Court's Individual Rules & Practices will likewise apply, in the event motions are filed in lieu of answers and the City elects to amend its complaint rather than oppose the motions.

Discovery in both cases shall be stayed pending at least the filing of the anticipated motions. Counsel for the State may renew their request for discovery to commence, if they wish, in connection with opposing any potential motion to dismiss and the motions to sever, or in connection with the filing of an amended complaint, should circumstances warrant.

As the cases progress, the Court will continue to evaluate the propriety of further coordination and/or consolidation.

Dated: May 1, 2025
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge